

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JOHN A. HOUSTON)

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GARCIA-CONTRERAS,

Defendant.

CASE NO. **09CR3834-JAH**

**ORDER APPOINTING
PSYCHIATRIST/PSYCHOLOGIST
PURSUANT TO TITLE 18 U.S.C. § 4241
FOR EXAMINATION TO DETERMINE
PRESENT MENTAL COMPETENCY
AND EXCLUDING TIME PURSUANT
TO 18 U.S.C. § 3161 (h)(1)(A).**

The question of the mental competency of defendant David Antonio Garcia-Contreras having been raised, and the Court being advised that there is reasonable cause to believe that defendant presently may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him or to assist properly in his own defense, and the Court finding that a mental examination of the defendant, under Title 18, United States Code, Section 4241 is appropriate,

IT IS HEREBY ORDERED that a qualified and impartial psychologist, Dr. Bruce Yanofsky, be appointed to examine the defendant to determine:

(1) Whether the defendant is competent to understand the nature and consequences of the proceedings pending against him; and,

(2) Whether the defendant is competent to assist properly in his defense.

The psychological/psychiatric report shall be prepared pursuant to Title 18, United States Code, Section 4247(c)(1) through (c)(4)(A) and shall include:

(3) The defendant's history and present symptoms;

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1 (4) A description of the psychiatric, psychological, and medical tests that were employed and
2 their results;

3 (5) The examiner's findings; and,

4 (6) The examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering
5 from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to
6 understand the nature and consequences of the proceedings against him or to assist properly in his own
7 defense.

8 IT IS FURTHER ORDERED that such examination shall be conducted at the California
9 Corporations of America Detention Center, San Diego, California. The defendant shall be afforded such
10 cooperation and information as is required to properly conduct the examination.

11 IT IS FURTHER ORDERED that the psychologist have access to any files relating to defendant,
12 including psychological or medical files.

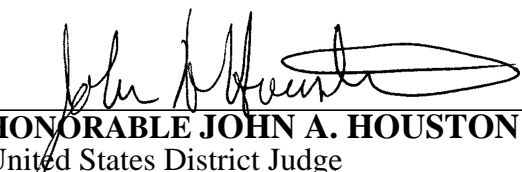
13 IT IS FURTHER ORDERED that the United States Department of Justice provide, at its expense,
14 an interpreter to assist in the examination where appropriate.

15 IT IS FURTHER ORDERED that such examination be at the expense of the United States
16 Department of Justice.

17 IT IS FURTHER ORDERED that the written report shall be sent to this Court with copies of the
18 report to Michelle Betancourt, Federal Defenders of San Diego, Inc., attorney for the defendant, and to
19 Stephen Miller, Assistant U.S. Attorney, 880 Front Street, San Diego, California 92101. The competency
20 hearing is scheduled for October 18, 2010 at 9:00 a.m. The report shall be provided to the Court on or
21 before **October 11, 2010**. The report shall be mailed directly to Larry McDowell, Courtroom Deputy to
22 U.S. District Judge John A. Houston, 880 Front Street, San Diego, California 92101. If the psychologist
23 requires additional time for testing and examination, a request to extend the time for report shall be made
24 directly to U.S. District Judge John A. Houston.

25 **SO ORDERED.**

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27 DATED: July 8, 2010

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HONORABLE JOHN A. HOUSTON
United States District Judge